

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,	)	No. CR 04-705 PHX NVW
	)	
Plaintiff/Respondent,	)	No. CV 04-2765 PHX NVW (JM)
	)	
vs.	)	<b>ORDER</b>
	)	
Jose Antonio Gamez-Alvarado,	)	
	)	
Defendant/Movant.	)	
	)	

Before the court is Movant's *pro se* Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. Section 2255 (doc. # 13) and the government's Response (doc. # 24). No reply was filed. On January 30, 2006, United States Magistrate Judge Jacqueline Marshall issued a Report and Recommendation ("R & R") (doc. # 25) recommending that Movant's Motion to Vacate, Set Aside or Correct Sentence be denied. No objections to the R & R were filed.


The court has reviewed the R & R and agrees with the magistrate judge's determinations. Accordingly, the court will accept the R & R and dismiss the Motion to Vacate, Set Aside or Correct Sentence. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge").

IT IS THEREFORE ORDERED accepting the Report and Recommendation of Magistrate Judge Jacqueline Marshall (doc. # 25).

1 IT IS FURTHER ORDERED that Movant's *pro se* Motion to Vacate, Set Aside or  
2 Correct Sentence pursuant to 28 U.S.C. Section 2255 (doc. # 13) is denied.

3 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
4 accordingly and terminate this action.

5 DATED this 28<sup>th</sup> day of April 2006.

6  
7  
8   
9 \_\_\_\_\_  
Neil V. Wake  
United States District Judge